



Town of Hampden

Planning Board Meeting

Wednesday September 12, 2018, 7:00 pm

Council Chambers

## Minutes

### In Attendance:

#### Planning Board

Gene Weldon, Chairman  
Kelley Wiltbank  
Jennifer Austin  
Jake Armstrong  
Peter Weatherbee  
Jim Davitt

#### Staff

Karen Cullen, AICP, Town Planner  
Myles Block, CEO

#### Public

Sean Thies  
Darrell Ginn  
Darryl Couillard

The meeting was called to order at 7:00 pm.

1. Administrative: Minutes of July 11 and August 8, 2018. **Motion** by Member Weatherbee to approve the minutes of July 11 as submitted; second by Member Wiltbank; carried 6/0/0. **Motion** by Member Wiltbank to approve the minutes of August 8 as submitted; second by Member Armstrong; carried 6/0/0.
2. Old Business: Planning Board Bylaws. This item was moved to later in the agenda by consensus.
3. New Business:
  - a. **Minor Subdivision – Daryl Couillard** to split off a second lot within a five year period from property located on Back Winterport Road (parcel 06-0-010). This property is in the Rural district. Chairman Weldon noted this minor subdivision application does not require a public hearing.

Darrell Ginn, surveyor and representative for the owner, presented the application:

- They are proposing to split the 28.8 acre parcel into two lots.
- Lot 1, which has no frontage on Back Winterport Road but does have access through a 100 foot wide right-of-way, is to be purchased by the property owner on the other side of the railroad.
- The current use is agriculture and both the current owner and the buyer plan to continue using each parcel for agriculture.
- No houses are planned at this time.
- Lot 2 (the front lot) is oddly shaped to retain over five acres so the land can remain in the farmland taxation program.
- Soil tests for these two lots were recently completed and indicate on a preliminary basis that the soils are suitable for septic systems.
- The 100 foot row strip was located where it is to avoid interfering with the existing hay fields.

Planner Cullen summarized her report:

- The Board will need to decide whether the oddly configured Lot 2 meets the intent of Section 521 of the Subdivision Ordinance.

- The Board will need to decide whether the proposed transfer of the 100 foot right-of-way to the owner of Lot 1, which is to occur when Lot 1 is removed from the farmland taxation program, meets the intent of Section 521 of the Subdivision Ordinance. She noted technically the area north of the row strip will continue to be a portion of the area south of the strip, but it appears the intent is to create a buildable lot there – the land area and frontage of that northern area meet the (current) zoning requirements to be a separate lot.
- If the Board finds those issues to be acceptable, two conditions are recommended to be placed on the plan:
  - Lot 1 is nonconforming to the current Zoning Ordinance dimensional requirements and therefore is a non-buildable lot until such time as the 100 foot strip is conveyed from Lot 2 to Lot 1, which would allow the owner of Lot 1 to obtain a building permit under the provisions of Section 4.3, Rural Alternate Frontage Lots, of the Zoning Ordinance.
  - Lot 2 is approved as a single building lot until such time that it is divided in compliance with state and local subdivision laws; the conveyance of the 100 foot strip to Lot 1 will not automatically make the area north of that strip a separate lot.

Key points from Planning Board discussion were:

- When the 100 foot strip is conveyed, there will be some sort of recording at the Registry of Deeds, serving as notification to the Town that the parcel configuration has changed.
- As currently written, the Subdivision Ordinance requires that any future changes to the parcels in this subdivision will require Planning Board approval (as opposed to a lot split accomplished without Board approval).

**Motion** by Member Armstrong to categorize this as a minor subdivision; second by Member Wiltbank; carried 6/0/0 by roll call vote.

**Motion** by Member Weatherbee that no public hearing is required for this minor subdivision and that the Board can handle this application tonight; second by Member Davitt; carried 6/0/0 by roll call vote.

**Motion** by Chairman Weldon to approve the subdivision as submitted with no conditions. Motion failed for lack of a second.

**Discussion** on the merits of including the two recommended conditions on the plan. CEO Block noted it would be good for future staff to have these conditions so they understand the history of this subdivision and what is permitted at what point in time (in regards to the transfer of the 100 foot strip). Member Wiltbank said the Board occasionally faces situations where the history of an action has been lost which leaves a board unsure of how to proceed with an application, and he believes it is beneficial to future boards to include the conditions to provide that history. Planner Cullen asked Mr. Ginn what the downsides were to including the conditions; Mr. Ginn said he didn't think they were necessary since any building permit application for Lot 1 will have to show proof of compliance with Section 4.3 of the Zoning Ordinance, and the transfer of the 100 foot row will require recording at the registry of deeds. Chairman Weldon commented it would be easier to simply add the conditions.

**Motion** by Member Wiltbank to approve the subdivision as submitted, with the two conditions as recommended by Planner Cullen to be added to the plan; second by Member Weatherbee; carried 6/0/0 by roll call vote.

- b. **Insubstantial Change to Approved Site Plan for MRC/Fiberight.** CES, representing the applicants, has submitted a revised site plan for consideration by the Planning Board as an insubstantial change as permitted under condition #2 of the Planning Board Order approved on July 19, 2016. The site is on Parcel 09-0-036 and is in the Industrial zoning district with access from Coldbrook Road.

Sean Thies of CES presented the application on behalf of the applicants.

- The biggest change is to the parking lots; due to modifications inside the building they needed to add another overhead access door in the location of the smaller of the two originally approved parking lots, so that one was deleted and the larger lot was enlarged to accommodate some of the lost parking spaces.
- The other changes involve slight changes in the location of the administration building, some utilities, and the fueling area.
- None of the proposed changes alter in any way the operation of the facility nor have any impact on noise, odors, traffic, etc.

Chairman Weldon noted that under the provisions of condition #2 of the Board Order, he had deemed the proposed modifications to be insubstantial, and therefore no public hearing is required. He noted that although the parking is being reduced, it still complies with the requirement.

Planner Cullen summarized her report:

- The requested changes include:
  - Move the administration building about 21 feet southeast.
  - Delete parking lot #2 and expand parking lot #1; this amounts to a reduction in parking from 54 spaces to 40 spaces.
  - Construct an access drive to the building where parking lot #1 was located.
  - Revise location of fueling area from the easterly end of the "truck yard" to the north side of the building by the "chemical transfer containment" area.
  - Revise location of above ground propane tank.
  - Revise location of air handling units (AHU); moved one of the two on south side of building to the north side.
  - Revise alignment of the pervious travel surface along the south side of the building to avoid the AHU.
  - Modified pervious travel surface south of the administration building.
  - Extended sidewalk along the west side of the building to the entry door.
  - Added a lighting plan (C104) to show proposed lighting along the edges of the pavement on the north and east sides of the building, plus three lights in the parking lot area; this is providing more detail than the July 2016 approved site plan and includes modified locations of some of the fixtures.
  - Added a new Site Detail sheet (C505) with details for the process waste water flow meter pit, the bio-gas condensate sump, the gas trench, and the process waste water sump.
- Staff had a few technical comments regarding separation between water and sewer lines and a missing line on the plan.
- The reduction in parking from 54 to 40 spaces is acceptable given the .75 space per employee discussed in the 2016 hearing. However, to avoid any potential safety issues staff recommends including a condition in the approval that there be no parking on the access road regardless of whether the road is public or private.
- Rather than create yet another document related to the Board Order, it is recommended that the original 2016 Board Order be revised as indicated in the redlined version included in the packet for this meeting, so there is one Order that governs the site.
- Recommending changing the language of Condition #2 in the Board Order to reflect the original intent and the practice regarding insubstantial changes.

Key points from Planning Board discussion were:

- Sean Thies addressed the staff comments, noting there is vertical separation between the water and sewer lines, and he has no objection to the proposed condition regarding no parking on the road.

- The Board agreed with the idea of having only one Board Order.
- It was noted there will be an as-built plan prepared and submitted to the Town as part of the Certificate of Compliance.

**Motion** by Member Davitt to approve the modifications to the site plan as submitted and to approve the modifications to the Board Order as drafted; second by Member Wiltbank; carried 6/0/0 by roll call vote.

2. Old Business: Planning Board Bylaws.

**Motion** by Member Wiltbank to remove this item from the table; second by Member Weatherbee; carried 6/0/0.

Planner Cullen noted the changes to the draft bylaws since the previous discussion; key points from the discussion:

- Article 4 – re: training; the Board agrees with deleting the language
- Article 5 – re: participating in meetings remotely
  - can be useful for applications that are continued repeatedly to allow members to keep up with discussions
  - Board would like to add a provision to allow it; Planner Cullen will research what other towns have done and draft language for the Board to consider
  - Motion by Member Wiltbank to add provision to include the following; second by Member Austin; carried 6/0/0:
    - the remote member can effectively hear all attendees at the meeting
    - all attendees at the meeting can effectively hear the remote member
    - the remote member will not count toward quorum
    - the remote member is not eligible to vote on the application

**Motion** by Member Wiltbank to table the Board Bylaws until the new language for Article 5 is drafted; second by Member Davitt; carried 6/0/0.

4. Staff Report:

- a. CEO Block noted that Tradewinds is expected to open on Friday.
- b. Planner Cullen noted the town center planning project will be having the second workshop on Tuesday Sept 25 at 6:00 at the Kiwanis building. She added the results of the first meeting are being combined with the results of an online survey that asked similar questions, and that information will be presented at the second workshop. The primary goal of the second meeting will be to identify implementation strategies (physical improvements or regulatory changes) to help the town achieve the goal of having a more cohesive town center.

5. Planning Board comments: None.

**Motion** by Member Wiltbank to adjourn the meeting at 8:39; seconded by Chairman Weldon; carried 6/0/0.

*Respectfully submitted by Karen Cullen, Town Planner*